

Union Calendar No. 224

103D CONGRESS
1ST SESSION

H. R. 2947

[Report No. 103-400]

A BILL

To extend for an additional two years the author-
ization of the Black Revolutionary War Patriots
Foundation to establish a memorial.

NOVEMBER 20, 1993

Reported with amendments, committed to the Committee
of the Whole House on the State of the Union, and or-
dered to be printed

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mrs. JOHNSON of Connecticut (for herself, Mr. WOLF, Mr. MFUME, Mr. LEWIS of Georgia, Mr. OWENS, Mr. LIPINSKI, Mr. HYDE, Ms. BROWN of Florida, Mr. STOKES, Mr. WATT, Mr. DORNAN, Mr. CARR of Michigan, Mr. FOGLIETTA, Mr. WASHINGTON, Mr. GORDON, Mr. FRANKS of Connecticut, Ms. MCKINNEY, Mrs. MORELLA, Ms. SLAUGHTER, Mr. DURBIN, Mr. DIAZ-BALART, Mr. MANTON, Mr. TUCKER, Mr. LAZIO, Mr. WALSH, Mr. JOHNSON of South Dakota, Mr. PALLONE, Mr. JACOBS, Mr. KLEIN, Mr. STARK, Ms. NORTON, Mr. CLYBURN, Mr. KLECZKA, and Mr. CONYERS) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 20, 1993

Additional sponsors: Mr. FILNER, Mr. WHEAT, Mr. BONIOR, Mr. TOWNS, Mr. SARPALIUS, Mr. VALENTINE, Mr. BISHOP, Mr. KILDEE, Mr. SCOTT, Mr. RANGEL, Mr. DELLUMS, Mr. FROST, Mr. GENE GREEN of Texas, Mr. SANDERS, Mr. WAXMAN, Mr. JOHNSTON of Florida, Mr. PARKER, Ms. FURSE, Mrs. KENNELLY, Mr. FRANK of Massachusetts, Mr. KYL, Mr. DIXON, Mr. SAWYER, Mr. HUTTO, Mr. HILLIARD, Mrs. MEEK, Mr. HOCHBRUECKNER, and Mr. SHAYS

NOVEMBER 20, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To extend for an additional two years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That, notwithstanding section 10(b) of Public Law 99–~~
4 ~~652, the legislative authority for the Black Revolutionary~~
5 ~~War Patriots Foundation to establish a commemorative~~
6 ~~work (as defined by such Public Law) shall expire at the~~
7 ~~end of the nine-year period beginning on the date of enact-~~
8 ~~ment of such authority.~~

9 **SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR**
10 **MEMORIAL ESTABLISHMENT.**

11 *(a) IN GENERAL.—The legislative authority for each*
12 *of the following groups to establish a commemorative work*
13 *(as defined by Public Law 99–652, as amended) shall expire*
14 *at the end of the 10-year period beginning on the date of*
15 *enactment of such authority for the respective commemora-*
16 *tive work, notwithstanding the time period limitation speci-*
17 *fied in section 10(b) of that Public Law:*

18 *(1) The Black Revolutionary War Patriots Foun-*
19 *dation.*

20 *(2) The Women in Military Service for America*
21 *Memorial Foundation.*

1 (3) *The National Peace Garden.*

2 (b) *NAME CHANGE.*—(1) *The Congress finds that the*
3 *Peace Garden Project, Incorporated, has changed its name*
4 *to the National Peace Garden.*

5 (2) *Any reference in a law, map, regulation, document,*
6 *paper, or other record of the United States to the entity*
7 *referred to in paragraph (1) shall be deemed to be a ref-*
8 *erence to the National Peace Garden.*

9 **SEC. 2. COMMEMORATIVE WORKS ACT AMENDMENTS.**

10 (a) *DEFINITIONS.*—(1) *Section 2(c) of the Act entitled*
11 *“An Act to provide standards for placement of commemora-*
12 *tive works on certain Federal lands in the District of Co-*
13 *lumbia and its environs, and for other purposes” (40 U.S.C.*
14 *1002(c)) is amended—*

15 (A) *by inserting “plaque, inscription,” after*
16 *“memorial,”;*

17 (B) *by striking out “a person” and inserting in*
18 *lieu thereof “an individual”; and*

19 (C) *by inserting “American” before “history”.*

20 (2) *Section 2(d) of such Act (40 U.S.C. 1002(d)) is*
21 *amended by striking “an individual, group or organiza-*
22 *tion” and inserting “a public agency, and an individual,*
23 *group or organization that is described in section 501(c)(3)*
24 *of the Internal Revenue Code of 1986 and exempt from tax*
25 *under section 501(a) of such Code, and which is”.*

1 (b) *AUTHORIZATION.—Section 3 of such Act (40*
2 *U.S.C. 1003) is amended as follows:*

3 (1) *In subsection (a), by inserting “on Federal*
4 *lands referred to in section 1(d)” after “established”.*

5 (2) *By redesignating subsection (b) as subsection*
6 *(d) and inserting after subsection (a) the following*
7 *new subsections:*

8 “(b) *A military commemorative work may be author-*
9 *ized only to commemorate a war or similar major military*
10 *conflict or to commemorate any branch of the Armed Forces.*
11 *No commemorative work commemorating a lesser conflict*
12 *or a unit of an Armed Force shall be authorized. Commemo-*
13 *rative works to a war or similar major military conflict*
14 *shall not be authorized until at least 10 years after the offi-*
15 *cially designated end of the event.*

16 “(c) *A commemorative work commemorating an event,*
17 *individual, or group of individuals, other than a military*
18 *commemorative work as described in subsection (b) of this*
19 *section, shall not be authorized until after the 25th anniver-*
20 *sary of the event, death of the individual, or death of the*
21 *last surviving member of the group.”.*

22 (c) *SPECIFIC CONDITIONS APPLICABLE TO AREAS I*
23 *AND II.—Section 6 of such Act (40 U.S.C. 1006) is amended*
24 *to read as follows:*

1 “SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA

II

3 “SEC. 6. (a) AREA I.—The Secretary or Administrator
4 (as appropriate) may, after seeking the advice of the Na-
5 tional Capital Memorial Commission, recommend the loca-
6 tion of a commemorative work in Area I only if the Sec-
7 retary or Administrator (as appropriate) determines that
8 the subject of the commemorative work is of preeminent his-
9 torical and lasting significance to the Nation. The Secretary
10 or Administrator (as appropriate) shall notify the National
11 Capital Memorial Commission and the committees of Con-
12 gress specified in section 3(b) of the recommendation by the
13 Secretary or Administrator (as appropriate) that a com-
14 memorative work should be located in Area I. The location
15 of a commemorative work in Area I shall be deemed not
16 authorized, unless, not later than 150 calendar days after
17 such notification, the recommendation is approved by law.

18 “(b) AREA II.—Commemorative works of subjects of
19 lasting historical significance to the American people may
20 be located in Area II.”.

(d) *SITE AND DESIGN APPROVAL*.—Section 7 of such Act (40 U.S.C. 1007) is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking out “commencing construction of the commemorative work” and inserting in

1 *lieu thereof “requesting the permit for the construc-*
 2 *tion of the commemorative work”;*

3 *(2) in paragraph (1) of subsection (a)—*

4 *(A) by inserting “the selection of alternative*
 5 *sites and designs for” after “regarding”; and*

6 *(B) by striking out the second sentence;*

7 *(3) in paragraph (2) of subsection (a), by strik-*
 8 *ing out “and the Secretary or Administrator (as ap-*
 9 *propriate)”;* and

10 *(4) in the matter preceding paragraph (1) of*
 11 *subsection (b), by inserting “(but not limited by)”*
 12 *after “guided by”.*

13 *(e) CRITERIA FOR ISSUANCE OF CONSTRUCTION PER-*
 14 *MIT.—(1) Section 8(a)(3) of such Act (40 U.S.C.*
 15 *1008(a)(3)) is amended by striking out “contracts for con-*
 16 *struction and drawings” and inserting in lieu thereof “con-*
 17 *tract documents for construction”.*

18 *(2) Section 8 of such Act (40 U.S.C. 1008) is amended*
 19 *by adding at the end the following:*

20 *“(c)(1) The Secretary or the Administrator may sus-*
 21 *pend any activity under the authority of this Act with re-*
 22 *spect to the establishment of a commemorative work if the*
 23 *Secretary or Administrator determines that—*

24 *“(A) fundraising efforts with respect to the com-*
 25 *memorative work have misrepresented an affiliation*

1 *with the commemorative work or the United States;*
2 *or*

3 *“(B) the percentage of funds raised that is dis-*
4 *bursed for administrative expenses and fundraising*
5 *fees is unreasonable or excessive or otherwise violates*
6 *fund raising standards established by the Secretary or*
7 *Administrator.*

8 *“(2) The person shall be required to submit to the Sec-*
9 *retary or Administrator an annual report of operations*
10 *prepared by an independent certified public accountant,*
11 *paid for by the person authorized to construct the com-*
12 *memorative work.*

13 *“(3) The person authorized to construct a commemora-*
14 *tive work shall require in all fundraising contracts that the*
15 *fundraiser make its books and records with respect to the*
16 *commemorative work fully available to the Secretary or Ad-*
17 *ministrator and the Comptroller General of the United*
18 *States for a period of not less than five years after the estab-*
19 *lishment of the commemorative work.”.*

20 *(f) TEMPORARY SITE DESIGNATION.—Section 9(a) of*
21 *such Act (40 U.S.C. 1009(a)) is amended by striking out*
22 *“he may designate such a site on lands administered by*
23 *him” and inserting in lieu thereof “a site may be designated*
24 *on lands administered by the Secretary”.*

(g) MISCELLANEOUS PROVISIONS.—(1) Section 10(d) of such Act (40 U.S.C. 1010(d)) is amended to read as follows:

4 “(d) The Secretary and the Administrator shall de-
5 velop appropriate regulations or standards to carry out this
6 Act.”.

7 (2) Section 10(e) of such Act (40 U.S.C. 1010(e)) is
8 amended to read as follows:

9 “(e) This Act shall apply to all commemorative works
10 authorized by Congress before, on, or after the date of enact-
11 ment of this subsection.”.

12 (h) *SHORT TITLE.*—Such Act is amended by adding
13 at the end the following new section:

14 “*SHORT TITLE*

15 “SEC. 11. This Act may be cited as the ‘Commemora-
16 tive Works Act’.”

Amend the title so as to read: “A bill to amend the Commemorative Works Act, and for other purposes.”.